

Filed by: Sally Gardner Lane
Administrative Patent Judge
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Filed
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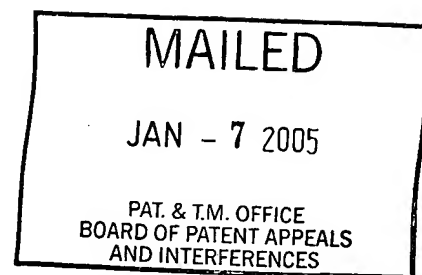
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

XIN LIU
and CHEE-KEUNG CHUNG
(Application 10/757,722)

v.

XIN LIU
(Application 10/376,845)



Patent Interference No. **105,060**

DECLARATION

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

¹ The telephone number until October 6, 2004, is 703-308-9797. The facsimile number until October 6, 2004, is 703-305-0942.

Part B. Judge managing the interference

Administrative Patent Judge Sally Gardner Lane has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

Part C. Standing order

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **2:00 pm on 2 March 2005** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

The Board is conducting an electronic filing and a DVD pilot project. Copies of the procedures are attached to this order. Counsel should be prepared to discuss participation in the electronic filing pilot project.

Part E. Identification and order of the parties

Junior Party

Named inventors: Xin Liu
Guangzhou, CHINA

Chee-Keung Chung
Kowtoon, HONG KONG

Application: 10/757,722, filed 15 January 2004

Title: GERMINATION ACTIVATED RED GANODERMA
LUCIDUM SPORES AND METHOD FOR PRODUCING
THE SAME

Assignee: None of record

Accorded Benefit: US 09/524,508, filed 13 March 2003, issued as 6,316,002
US 60/158,377, filed 12 October 1999

Senior Party

Named inventors: Xin Liu
Guangzhou, CHINA

Application: 10/376,845, filed 27 February 2003

Title: GERMINATION ACTIVATED GANODERMA LUCIDUM
SPORES AND METHOD FOR PRODUCING THE SAME

Assignee: None of record

Accorded Benefit: US 09/524,508, filed 13 March 2003, issued as 6,316,002
US 60/158,377, filed 12 October 1999

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

Part F. Count and claims of the parties

Count 1

Claim 1 of Liu, 10/376,845

Count 2

Claim 2 of Liu, 10/376,845

Count 3

Claim 3 of Liu, 10/376,845

Count 4

Claim 4 of Liu, 10/376,845

Count 5

Claim 5 of Liu, 10/376,845

Count 6

Claim 6 of Liu, 10/376,845

Count 7

Claim 7 of Liu, 10/376,845

Count 8

Claim 8 of Liu, 10/376,845

Count 9

Claim 9 of Liu, 10/376,845

Count 10

Claim 10 of Liu, 10/376,845

Count 11

Claim 11 of Liu, 10/376,845

Count 12

Claim 12 of Liu, 10/376,845

Count 13

Claim 13 of Liu, 10/376,845

Count 14

Claim 14 of Liu, 10/376,845

Count 15

Claim 15 of Liu, 10/376,845

Count 16

Claim 16 of Liu, 10/376,845

Count 17

Claim 17 of Liu, 10/376,845

Count 18

Claim 18 of Liu, 10/376,845

Count 19

Claim 19 of Liu, 10/376,845

Count 20

Claim 20 of Liu, 10/376,845

Count 21

Claim 21 of Liu, 10/376,845

Count 22

Claim 22 of Liu, 10/376,845

The claims of the parties are:

Liu: 1-22

Liu and Chung: 1-32

The claims of the parties which correspond to each of Counts 1 through 22 are:

Liu: 1-22

Liu and Chung: 1-32

The claims of the parties which do not correspond to any of Counts 1 through 22 are:

Liu: None

Liu and Chung: None

Part G. Heading to be used on papers

The heading in SO Form 1 must be used on all papers filed in this interference.
See SO ¶ 7.2.1. The administrative patent judge and parties must be indicated as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Sally Gardner Lane)

XIN LIU
and CHEE-KEUNG CHUNG
(Application 10/757,722)

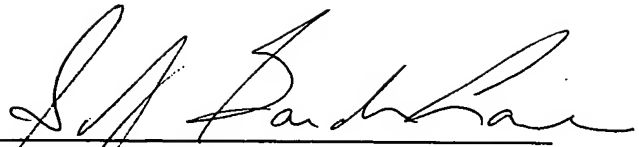
v.

XIN LIU
(Application 10/376,845)

Patent Interference No. **105,060**

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.



Sally Gardner Lane
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Form PTO-850

Copy of claims of 10/376,845 and 10/757,722

Copy of default times for taking action during the preliminary motions phase

Copy of procedures for electronic filing pilot project

Copy of procedures for DVD pilot project

Revised September 2004

cc (via overnight delivery):

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